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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/390,740      | 02/17/1995  | ROGER COLEMAN        |                     | 7334             |

22428 7590 06/02/2004

FOLEY AND LARDNER  
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WASHINGTON, DC 20007

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| EXAMINER |
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MARSCHER, ARDIN H

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1631

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT

PAPER

52804

DATE MAILED:

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## Commissioner for Patents

The communication, filed on 2/27/04, is non-responsive to the prior Office action, mailed 11/25/03, because the indicated amending does not correspond to the previous content of the claims. Specifically, in claim 40, part b), subpart ii), the current amendment removes 128 which is not present in the previous claim 40. Rather, 1-28 is present in the previous claim 40 at this citation. Although this may be viewed as a minor inconsistency, claim amending must be carefully submitted so as to accurately indicate such amending and avoid error(s) regarding interpretation of what amending has actually occurred. Yet another amending inconsistency is present in claim 40, part b), subpart ii), wherein "a" has been deleted but not indicated as such. Also in said subpart ii) "at" and "acid" has been added without indication as such. Applicants are required to resubmit a properly indicated amended claim set and are advised to thoroughly review the previous claim wording compared to any submitted amended claim wording. Applicants also argue that the sequence listing, filed 7/25/01, corrected the SEQ ID NO: 1 to 291 nucleotides. Consideration of said 7/25/01 filing reveals that SEQ ID NO: 1 is cited as containing 289 nucleotides in the length field therein and therefore also is non-responsive to said previous office action. Also, the title has not been amended to correspond to the elected invention. The present title includes non-elected polypeptides and antibodies. Applicants are reminded that the restriction requirement was made Final in the previous office action mailed 11/25/03, regarding antibody and polypeptide embodiments. Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. ' 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (571) 272-0718. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (571) 272-0549.

May 28, 2004  
08/390,740

*Ardin H. Marschel* 5/28/04  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER